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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,836	02/08/2006	Johannes Hendrik Wessels	NL 030996	2881

24737 7590 03/13/2009
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NG, FAN

ART UNIT	PAPER NUMBER
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2416

MAIL DATE	DELIVERY MODE
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03/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,836	Applicant(s) WESSELS ET AL.	
	Examiner Fan Ng	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The arguments that filed on 02/24/2009 have been fully considered and office is moot in view of new ground of rejections.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 8, 12-13, 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Tanada et al. (2003/0124979).

Regarding Claim 1, 12 Tanada et al. teaches a plurality of devices (**Fig. 5, or Fig. 14**), communicate with each other and each of them comprising:

A device operation circuit (**fig. 15, #25**), a communication interface (**#11**), which receives command signals (**#short range radio comm.**) for controlling operating device (**#25**). A control circuit (**#36**), which is coupled between interface (**#11**) and device

Art Unit: 2416

operating circuit **(#25)**, also for controlling **#25** in response to command signal **([0058])**.

A master **(#24)** is receiving a control signal and a control unit **(#27)** to generate control signal **(control unit #27 may not be in the same device as #24, since in fig. 24, each of the 10A has the same configuration as fig. 15. for example #24 in fig. 14 #10A1 transmits to #27 in fig. 14 #10A-3)**.

A active master **(fig. 11, # terminal 1)**, communicate with plurality of devices **(fig. 11, # terminal 2, 3)**, and generate and transmits command signal **(fig. 11, #s602)** to plurality of devices **(fig. 11, # terminal 2, 3)**, in response to received control signal **(fig. 11, #s600)**. In case of master device fails **(fig. 11, s600, s601, see fig. 5 a-c also)**, a second device **(fig. 11, #terminal 2)** becomes the active master **(fig. 11, bottom #commence network communication with terminal 2 as master)**. The process repeats again with terminal 2 as master. And now terminal 2 generates and transmits the command signal **(fig. 13, #s602)** in response to **(fig. 13, #s600, s601)**.

As per claim 2, 13 Tanada teaches the wireless control unit in fig. 14 10A-3 is a wireless remote control unit.

As per claim 3, Tanada teaches each master and control units has antenna as shown in fig. 14 and fig. 15.

As per claim 8, Tanada teaches in fig. 5b #10-3 and fig. 5c #10-3 is changing slave to master, automatically when master failed.

As per claim 17, Tanada teaches the control unit is a radio telephone (**fig. 2, #31**), thus it is a user operated device

As per claim 18, Tanada teaches, in view of claim 1, fig. 16 and fig. 17, #s173 are loop process, any one of the slave can be master if the current master failed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanada (2003/0124979) in view of Malkemes et al. (2002/0061024).

As per claim 4,5, 16 Tanada doesn't teach a lamp or luminaries device, but Malkemes et al. teaches the receiving device can be a lamp (**fig. 1, #114**), from command center gateway (**fig. 1, #104**). Thus it is obvious for one of ordinary skill in the art to combine Malkemes et al. and Tanada, since both arts, the command signal is received by plurality of device and Malkemes et al. suggest one of the device to be a lamp.

Art Unit: 2416

Claim 6-7, 9, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanada (2003/0124979) in view of Reese (5583796).

As per claim 6, 7, 9, 14-15 Tanada doesn't use periodic signal to detect failure, but Reese periodic transmit status information (beacon) to device and if the beacon is absent, which is indicative of a malfunction (**col. 10, line 5-15**), also the CPU is monitoring the periodic signal, if un-proper response detected (which includes absent and it is obvious to wait a period of time (threshold) before making the decision), the backup switch will be active. Thus it is obvious for one of ordinary skill in the art to combine Reese and Tanada, since both arts are in a network setting environment and Tanada uses distance to detect failure, and Reese uses periodic signal.

Claim 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanada (2003/0124979) in view of Malkemes et al. (2002/0061024).

As per claim 11, 19 Tanada doesn't teach the table map the control signal and command signal, but Irish does in fig. 2, #206, and furthermore, describable in [0001]. Thus it is obvious for one of ordinary skill in the art to combine Irish and Tanada, since both arts are in a network setting environment and Tanada has control signal and command signal, but doesn't describe the relationship between them. Irish has clearly described the mapping as "pre-defined actions based upon packet classification and..." in [0001].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Ng whose telephone number is (571) 270-3690.

The examiner can normally be reached on Monday-Friday; 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chi H Pham/
Supervisory Patent Examiner, Art
Unit 2416

/F. N./
Examiner, Art Unit 2416